

Appendix A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
KWOK PUN LEE ET AL
Serial No. 09/818,715
Filed: MARCH 27, 2001

Atty. Docket
US010071
Group Art Unit: 21781
Examiner: T. V. HUYNH
CONF. No.: 1324

Title: DICOM TO XML GENERATOR

BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. §1.131

Sir:

I, Kwok Pun Lee, hereby declare that:

1. I am the applicant of United States Patent
Application Serial No. 09/818,715, filed March 27, 2001
(hereinafter, the '715 Patent Application).

2. The U.S. Patent Publication No. 2002/0122057 to
Maloney, (hereinafter "Maloney"), has been identified by the
Examiner in the Office Action dated July 2, 2004. Maloney was
published on September 5, 2002 based on a patent application
that was filed on March 2, 2001. The invention disclosed and
claimed in United States Patent Application Serial No.
09/818,715 was reduced to practice in the United States by my

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co-inventor, Jingkun Hu, and myself, under our direct control prior to the filing date of Maloney.

4. As evidence of the completion of the above invention, Exhibit B was previously submitted in a September 29, 2004 Amendment. Exhibit B consists of a copy of a Philips Research restricted access report of work performed in my place of employment at Philips North America Corporation, Philips Research Center in Briarcliff Manor, New York, U.S.A., evidencing actual reduction to practice of the claimed invention (hereinafter, "Exhibit B"). In other words, Exhibit B evidences that the DICOM-to-XML Translator was actually designed, implemented, and tested prior to the filing date of Maloney. The activity contributing to this reduction to practice was conducted by myself, Jingkun Hu, and/or technicians working under our direct supervision and control prior to the filing and publication dates of Maloney.

5. The reduction to practice evidenced by Exhibit B consists of a description for an actual constructed translator for structured reports from DICOM binary format to Extensible Markup Language (XML) format (hereinafter, the "DICOM-to-XML Translator"). Exhibit B and the DICOM-to-XML Translator were

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not available to the public. Exhibit B was utilized as the basis for the preparation of United States Patent Application Serial No. 09/818,715.

6. Exhibit B clearly describes the results of an actual translator that was built to validate the DICOM to XML conversion. The (emphasis provided) "document describes the application scenario, design, and implementation of the DICOM2XML translator." (See, Exhibit B, page 3, lines 22-23.) For example, Exhibit B, page 3, lines 18-19 clearly states that (emphasis provided) "[w]e have implemented a translator, called DICOM2XML, which takes a structured report in DICOM binary format and produces an XML document." Section 3 of Exhibit B titled "Design Decisions" describe two exemplary translators and correspond in fact to the translators shown in FIGs. 1 and 2 of the '715 patent Application. Exhibit B on page 5, second paragraph, states "we selected the second approach" for implementing the DICOM-to-XML Translator. Other elements of the implemented DICOM-to-XML Translator are described on page 6, lines 5-6 including selection of an XML parser, Xerces version 1.1 from Apache Software Foundation. Figure 4 of Exhibit B directly corresponds to FIG. 2 of the '715 Patent Application.

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Exhibit B, sections 6 and 7 describes in detail the Implementation of the DICOM-to-XML Translator including the mapping rules for the translation and the XSL Stylesheet used. Section 8 sets out that the DICOM-to-XML Translator coupled to an XML-to-DICOM translator produced a match to the originally input DICOM document. In other words, the implementation produced an XML result that was verified by translating the result of the DICOM-to-XML Translator back into DICOM. Accordingly, it is clear that the built and described DICOM-to-XML Translator worked for its intended purpose.

7. The description itself contained in Exhibit B is sufficient to enable a person of ordinary skill in the art to also implement the DICOM-to-XML Translator without requiring undue experimentation.

8. Exhibit B fully supports the claimed invention for example as required by Claim 1 including "[a] method for mapping a DICOM-SR document into an XML document" as for example shown in Figures 1 and 2 of exhibit B. Further "mapping each DICOM attribute of a plurality of DICOM attributes in the DICOM-SR document into a corresponding XML element of a plurality of XML elements" is illustratively shown in Exhibit B, page 8,

Section 6, subparagraph 6. Further still, "outputting each XML element of the plurality of XML elements to the XML document, in a format that conforms to an XML document-type-definition of the XML document" is illustratively shown in section 7 through the use of SR XSL Style Sheets. Similarly, the elements of the other claims are well supported by the illustrative embodiment shown in Exhibit B.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

10th March, 2005

Kwok Pun Lee